



## Rule Fact Sheet

September 18, 2012

### DEVELOPMENT OF NEW RULES AT 329 IAC 11.6 CONCERNING REGISTRATION OF MOBILE HOME SALVAGING OPERATIONS

LSA Document #10-253

#### Overview

The Indiana Department of Environmental Management (IDEM) has proposed rule language for new rules at 329 IAC 11.6 concerning registration, operational requirements, closure, and financial assurance for mobile home salvaging operations.

#### Citations Affected

Adds: 329 IAC 11.6

#### Affected Persons

Owners and operators of mobile home salvaging operations and facilities.

#### Reason(s) for the Rule

IDEM has encountered several operations in the state involved with the salvaging of parts and metals from mobile homes no longer suitable for use in mobile homes. While these operations do not require sophisticated equipment and represent a relatively low level of environmental threat they fall under the "solid waste processing facility" definition in 329 IAC 11-2-43 and are subject to permitting requirements that place a significant financial burden on operations that have a very narrow profit margin.

Establishment of a registration program for this type of operation that would require the implementation of best management practices is therefore being considered in this rulemaking.

#### Economic Impact of the Rule

There is some fiscal impact associated with this rulemaking due to the cost of compliance (\$1,500-\$25,000 per year depending on the tonnage processed), with basic storage, operational and closure requirements, and the cost of providing a surety bond for facility cleanup, and closure.

However, the rulemaking provides relief to the regulated community from the requirement of obtaining a solid waste processing facility permit that costs \$12,150 every five years and \$2,000 every year for an operating fee paid to IDEM. In addition, there are the costs of developing the permit application (\$2,500-\$25,000) and the cost of compliance (\$5,000-\$20,000 per year). This rulemaking allows for the no cost registration of mobile home salvaging facilities. It is unknown at this time how many facilities will be registered under this rule. There is a minimal fiscal impact on the agency in terms of costs to process registrations, and in fact, there is a cost savings in comparison to processing a permit application.

#### Benefits of the Rule

The solid waste processing facility rules were not written with the regulation of this type of facility in mind. This rule is being proposed to ensure consistent regulation of all affected facilities.

#### Description of the Rulemaking Project

IDEM has developed draft rule language concerning registration, operational requirements, closure, and financial assurance for mobile home salvaging operations. The draft rule uses best management practices for operation of these type of facilities. The rule will also encourage the economic development of these facilities by not charging for a permit.

#### Scheduled Hearings:

February 21, 2012, 1:30 pm, Conference Center Room A, Indiana Government Center South, Indianapolis, IN.

September 18, 2012, 1:30 pm, Conference Center Room A, Indiana Government Center South, Indianapolis, IN.

### **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### **Consistency with Federal Requirements**

The new and amended rules are consistent with federal laws, rules, guidance.

### **Rulemaking Process**

The first step in the rulemaking process is a first notice published in the Indiana Register. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the Indiana Register after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Lynn West, Rules Development Branch, Office of Legal Counsel, (317) 232-3593 or (800) 451-6027 (in Indiana).